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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,163	09/27/2001	Shridhar P. Joshi	47079-0117	3932

7590

12/04/2003

Michael J. Blankstein
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EXAMINER

RADA, ALEX P

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 12/04/2003

17

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/965,163

Applicant(s)

JOSHI, SHRIDHAR P.

Examiner

Alex P. Rada

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AW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,7,14,16,18,20,21,24 and 27-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,7,14,16,18,20,21,24 and 27-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

Response to Amendment

In response to the Request for Continuing Examination (RCE) filed September 9, 2003 in which the applicant's have amended claims 1, 3-4, 14, 16, 18, 20, and 21, cancels claims 2, 5-6, 8-13, 15, 17, 19, 22-23, and 25-26, adds new claims 27-36, and claims 1, 3-4, 7, 14, 16, 18, 20-21, 24, and 27-36.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, a block diagram showing the method steps of claims 1, 3-4, 7, 14, 16, and 27-36 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 24 is objected to because of the following informalities: the preamble of claim 24 should be consistent with the preamble of claims 18 and 20-21. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 14, 18, 27, and 31-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Moody `136.

5. Moody discloses a gaming machine receiving a wager to initiate play, randomly selecting an outcome for the game from a plurality of possible outcome, representing the selected outcome on a visual display (20), awarding a monetary payout from the gaming machine for a winning outcome (paragraph 31), dispensing a tangible sweepstakes entry from the gaming machine in response to the selected outcome being a predetermined one or more of the plurality of possible outcomes (paragraph 30), submitting the sweepstakes entry to enter the sweepstakes without involving the gaming machine, conducting the sweepstakes after the sweepstakes entry is dispensed from the gaming machine (paragraph 25 and summary), and the gaming machine in response to wagering on all available pay lines, in which the examiner interprets to be the max bet for one pay line as recited in claims 1, 14, 27, and 31-32; a credit receiving mechanism for receiving a wager to imitate play, a central processing unit for randomly selecting an outcome from the game from a plurality of possible outcomes (paragraph 30), means for awarding a monetary payout from the gaming machine from a winning outcome (paragraph 31), dispenser for dispensing a tangible sweepstakes entry in response to the selected outcome being a

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predetermined one or more of the plurality of possible outcomes (paragraph 30), and means for submitting the sweepstakes entry to enter a sweepstakes without involving the gaming machine, the sweepstakes being conducted after the sweepstakes entry is dispensed from the gaming machine (paragraph 25 and summary) as recited in claim 18.

6. Claims 28-30 and 34-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Horniak '362.

7. Horniak discloses a gaming machine receiving a wager to initiate play of a game, randomly selecting an outcome for the game from a plurality of possible outcomes, the plurality of possible outcomes having a plurality of possible winning outcomes, awarding a monetary payout, dispensing a tangible sweepstakes entry from the gaming machine in response to a predetermined number of plays associated with a predetermined game outcome (paragraph 42), player tracking information criteria (paragraph 32), predetermined time of day (paragraph 48), submitting the sweepstakes entry to enter the sweepstakes without involving the gaming machine, and conducting the sweepstakes after the sweepstakes entry is dispensed from the gaming machine (paragraph 11 and summary) as recited in claims 28 and 34; the predetermined game outcome is not one of the plurality of possible winning game outcomes, in which the examiner interprets to be the number of coins inserted (paragraph 41) as recited in claim 29; the predetermined game outcome is one of the plurality of possible winning game outcomes, in which the examiner interprets to be the number of coins bet (paragraph 42) as recited in claim 30; requiring credits on the gaming machine prior to dispensing the tangible sweepstakes ticket as recited in claim 35; requiring the gaming machine to register a player tracking card before dispensing the tangible sweepstakes ticket (paragraph 32) as recited in claim 36.

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Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3-4, 16, and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moody `136 in view of Horniak `362.

10. Moody discloses the claimed invention except for the predetermined one or more of the plurality of possible outcomes is associated with the monetary payout exceeding a predetermined threshold and below a predetermined threshold as recited in claims 3-4, 16, and 20-21.

Horniak teaches one or more of the plurality of possible outcomes is associated with the monetary payout exceeding a predetermined threshold and below a predetermined threshold (paragraphs 43-44). By having a predetermined threshold associated with the monetary payout, one of ordinary skill in the art would provide an incentive to the players of a slot machine to continue to use the slot machine (paragraph 10). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Moody to include one or more of the plurality of possible outcomes being associated with the monetary payout exceeding a predetermined threshold and below a predetermined threshold as taught by Horniak. To do so would provide an incentive to the players of a slot machine to continue to use the slot machine.

11. Claims 7 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moody `136 in view of Brandstetter `427.

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12. Moody in view of Horniak discloses the claimed invention as discussed above except for the entry having pre-printed identifying indicia.

13. Brandstetter teaches dispensed tickets having pre-printed identifying indicia. By having pre-printed identifying indicia, one of ordinary skill in the art would provide game players with a supplemental award to the initial gaming award. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Moody to include the entry having pre-printed identifying indicia as taught by Brandstetter. To do so would provide game player with a supplemental award to the initial gaming award.

Conclusion

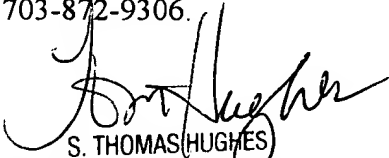
14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sarbin '517, Olsen '043, Walker '552 and '288 as discloses different types of gamine machines.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 703-308-7135. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

AP
apr


S. THOMAS HUGHES
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